FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT NAGPUR
CIVIL APPLICATION NO: 7600/2006
IN
FIRST APPEAL NO: 765/2006
(State of Maharashtra vs. Smt. Savitribai Narsing Rathod)

Office Notes, Office Memorandum of Coram appearances, Court's orders of directions and Registrar's orders.	Court's or Judges Order

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Mr. S.G.Loney, Adv. for applicant
Mr. Paliwal, Adv.for Respondent

CORAM: A.P.LAVANDE & R.V.MORE, JJ.
DATED: 25th JULY, 2007.

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1. Heard Mr. S.G.Loney, learned AGP for appellant/ applicant and Mr. V.K. Paliwal, for Respondent.

2. By this application, the respondent seeks withdrawal of the amount of Rs. 56,34,165 deposited by the appellant pursuant to order passed by this Court granting stay of the judgment and order passed by the Reference Court.

3. Having heard learned counsel for the parties and having considered respective submissions, we allow the respondent to withdraw the said amount subject to following

conditions:-

(i) Respondent shall furnish bank guarantee of any nationalised Bank in respect of 50 % of the amount and furnish security to the satisfaction of the Registrar (J) of this Court in respect of balance 50 % of the amount.,

(ii) Respondent shall keep the bank guarantee alive during pendency of First Appeal No. 765/2006 and for a period of thee months after its disposal.

(iii) In case the appeal is wholly or partly allowed, respondent shall deposit the amount due in this Court within a period of 12 weeks from the date of judgment with interest thereon at the rate of 9% per annum an shall file an undertaking to that effect before withdrawal of the amount.

The application stands disposed of accordingly.

JUDGE JUDGE

sahare